

Town Board Minutes

**Meeting
No. 40**

Special Meeting

December 29, 1997

MEETINGS TO DATE 40
NO. OF REGULARS 24
NO. OF SPECIALS 16

Page 831
LANCASTER, NEW YORK
DECEMBER 29, 1997

A Special Meeting of the Town Board of the Town of Lancaster, Erie County,
New York, was held at the Town Hall at Lancaster, New York on the 29th day of December
1997 at 4:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPNIAK TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on December 15, 1997 be and hereby is approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated December 11, 1997, has requested the addition of one member to the active roster of said
fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the
addition to the membership of the Twin District Volunteer Fire Company, Inc. of the following
individual:

ADDITION

Cathy Ende
5685 Broadway
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER, TO WIT:

WHEREAS, SHEILA SCROGER, Clerk-Stenographer in the Town Attorney's
Office, by letter dated December 17, 1997, has requested permission to carry over her thirty-six
(36) hours vacation time accrued which she cannot take by her anniversary date of January 17,
1997.

NOW, THEREFORE, BE IT

RESOLVED, that **SHEILA SCROGER**, Clerk-Stenographer in the Town
Attorney's Office shall be permitted to carry over her thirty-six (36) hours 1997 vacation time to
her 1998 year of service with the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, THOREAU DEVELOPMENT OF WNY, INC., has provided the
Town of Lancaster with an Escrow Agreement whereby said developer assures a cash deposit of
\$5,000.00 to complete the dedication process of Hedge Lane in Stony Brook South Subdivision
in accordance with the Town's usual requirements, and

WHEREAS, the Town Attorney has reviewed said Agreement and has no
objection thereto;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to execute the
beforementioned Escrow Agreement submitted by Thoreau Development of WNY, Inc.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

WHEREAS, on January 1, 1998, the Town of Lancaster will receive a new van from the County of Erie which will be used as a replacement of the County's "Going Places" van service, and

WHEREAS, the Town is required to maintain the van and provide drivers, and

WHEREAS, the Supervisor of the Town of Lancaster desires to create twelve (12) positions of "Van Drive, Part-Time" to be utilized for said service, and

WHEREAS, the Erie County Department of Personnel has indicated that the appropriate title for this position is Van Driver, Part-Time,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Positions Duties Statement) for the request to create twelve (12) positions of Van Driver, Part-Time in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated
December 22, 1997, has recommended the appointment of **Amy Lynn Stroka** to the position
of Tutor with the Youth Bureau of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that **AMY LYNN STROKA**, 12700 West Main Street, Alden,
New York, be and is hereby appointed to the position of Tutor with the Town of Lancaster
Youth Bureau, effective January 5, 1998 at an hourly salary of \$9.00,
and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the
necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER ,WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has duly advertised for bids for furnishing to the Town of Lancaster the necessary trees for the 1998 Tree Planting Program in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were duly opened on December 16, 1997, and

WHEREAS, CONCORD NURSERIES, INC., 10175 Mile Block Road, North Collins, New York 14111 has submitted the lowest responsible bid in the amount of \$28,730.21 for furnishing said trees to the Town of Lancaster, and

WHEREAS, the General Crew Chief, by letter dated December 18, 1997, requests the Town Board to accept the bid of Concord Nurseries, Inc., and

WHEREAS, by same letter, the General Crew Chief has requested that he be authorized to purchase additional trees at the 1998 bid prices from Concord Nurseries at his discretion for whatever other tree plantings the Town may incur in 1998.

NOW, THEREFORE, BE IT

RESOLVED, that the bid of **CONCORD NURSERIES, INC.**, 10175 Mile Block Road, North Collins, New York 14111, being the lowest responsible bid in conformance with the specifications relating thereto, be and hereby is accepted, and

BE IT FURTHER

RESOLVED, that the General Crew Chief be and is hereby authorized to place orders with Concord Nurseries, Inc. for those trees which the Town of Lancaster needs for its 1998 Tree Planting Program, and

BE IT FURTHER

RESOLVED, that the General Crew Chief be and is hereby authorized to purchase additional trees at the 1998 bid prices from Concord Nurseries at his discretion for whatever other tree plantings the Town may incur in 1998.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

FILE: RBOTREES (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK TO WIT:

Page 839

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 17540 to Claim No. 17760 Inclusive

Total amount hereby authorized to be paid: **\$ 497,178.78**

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby
approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

4681	David Hill	657 Pleasant View Dr	Ex. Garage
4682	East Coast Signs	6727 Transit Rd	Er. Sign
4683	Ryan Homes	9 Queen's Way	Er. Sin. Dwlg
4684	NVR Homes Inc	44 Michael Anthony Ln	Er. Deck
4685	Bob Henn Co Inc	6125 Genesee St	Rem. Tank

and.

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for
sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement
for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for
conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance
required for sidewalks, however, the waiver is granted upon the expressed condition that the
Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the
expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA. WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster desires to create one (1) additional position of Assistant Dog Control Officer, Part-Time, and five (5) additional positions of Clerk, Part-Time, and

WHEREAS, the Erie County Department of Personnel has indicated that the appropriate title for these positions are Assistant Dog Control Officer, Part-Time, and Clerk, Part-Time.

NOW THEREFORE BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) with the request to create one (1) additional position of Assistant Dog Control Officer, Part-Time, and five (5) additional positions of Clerk, Part-Time in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 29, 1997

File: RPERS.CRE (P2)

COMMUNICATIONS:

Page 842

- 852. Adelpia to Town Clerk -
Announcement of new programming service entitled "Home and Garden Television (HGTV). DISPOSITION = Received and Filed
- 853. Twin District VFC to Town Clerk -
Advisement of new member added to roster. DISPOSITION = Received and Filed
- 854. Melvin H. Szymanski to Supervisor -
Request re-appointment to Planning Board. DISPOSITION = Received and Filed
- 855. Supervisor to Roy Schneggenburger -
Comments and suggestions re: concerns with FOIL requests and other matters.
DISPOSITION = Received and Filed
- 856. James S. Perry to Town Board -
Request re-appointment to Zoning Board of Appeals. DISPOSITION = Received and Filed
- 857. Sheila Scroger to Town Board -
Request permission to carry over 1997 vacation time to 1998. DISPOSITION = Received and Filed
- 858. Assoc. of Erie County Governments to Supervisor -
Regionalism position statement recommended for adoption. DISPOSITION = Received and Filed
- 859. Disaster Coordinator to Town Board -
Minutes from meeting held 12/11/97. DISPOSITION = Received and Filed
- 860. Wayne Robinson to Supervisor -
Request re-appointment to position of Assistant Bingo Inspector. DISPOSITION = Received and Filed
- 861. Town Attorney to Sharon Whipkey -
Advisement in reply to FOIL request re: funds provided to police for dispatching for LVAC as a yearly amount. DISPOSITION = Received and Filed
- 862. Town Attorney to Sharon Whipkey -
Advisement in reply to FOIL request re: total calls answered by LVAC in 1996.
DISPOSITION = Received and Filed
- 863. Town Engineer to Town Board -
Recommend acceptance of storm sewer, pavement and curbs and water line public improvements within Lancaster Industrial Commerce Center. DISPOSITION = Received and Filed
- 864. Erie County Majority Leader Peoples to Supervisor -
Request comments re: County opt-in on "State sales tax free" week scheduled for 1/17-1/23/97. DISPOSITION = Received and Filed
- 865. Lancaster Newsletter - Winter '97
Proposal of newsletter tailored to community. DISPOSITION = Received and Filed
- 866. Buffalo News Article - 12/11/97 -
Article entitled "Movie Patrons Discover Reel Excitement". DISPOSITION = Received and Filed
- 867. **Duplicate of No. 854.**
- 868. Planning Board Chairwoman to Planning Board Members -
Notice that due to no application being filed the meeting scheduled for 12/17/97 is canceled. DISPOSITION = Received and Filed

- Page 843
869. State Deputy Comptroller to Supervisor -
Transmittal of guidelines in determining necessity of approval of State Comptroller for certain special districts. DISPOSITION = Received and Filed
870. "Last Night Lancaster 1998" -
Announcement of New Year's Eve festivities in Village of Lancaster.
DISPOSITION = Received and Filed
871. Town Engineer to Town Board -
Recommend acceptance of storm sewer, pavement and curbs and water line public improvements within Stony Brook Townhomes Subdivision. DISPOSITION = Town Attorney
872. Town Engineer to Town Board -
Revised letter recommending acceptance of storm sewer, pavement and curbs and water line public improvements within Stony Brook Townhomes Subdivision.
DISPOSITION = Town Attorney
873. General Crew Chief to Tree Program Chair. -
Requests re: acceptance of tree bid and further purchase of trees during 1998.
DISPOSITION = Received and Filed
874. Youth Bureau Ex. Dir. to Town Board -
Recommend appointment of Amy Stroka to position of tutor. DISPOSITION = Received and Filed
875. Supervisor to Town Clerk -
Article on "Regionalism". DISPOSITION = Received and Filed
876. Cayuga Club President to Supervisor -
Notification of change in union presidency. DISPOSITION = Received and Filed
877. STOP Technical Assistance Project to State STOP Grant Administrators and Subgrantees -
Memo thanking participants for ongoing interest in the program and calendar for the coming year. DISPOSITION = Received and Filed
878. University at Buffalo, Institute for Local Government and Regional Growth Director to Supervisor -
Letter of thanks to Conference Participants at session 1 of the "Regionalism: From Agenda to Action" series on November 25, 1997. DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY
THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 4:16 P.M.

Robert P. Thill

Robert P. Thill, Town Clerk